

Remarks

Claims 30-52 are pending in the current application. The claims have not been amended.

Claims 40-41 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-11 of U.S. Pat. No. 6,483,445. Claims 30-36, 50 and 54 stand rejected under 35 U.S.C. 102(e) as being anticipated by Castiel. Claims 36-39 and 53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Castiel in view of Kim. Claims 42-49 and 51-52 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Obviousness-type Double Patenting Rejection

Applicant asserts that claims 40 and 41 are patentably distinct from claims 10-11 of U.S. Pat. No. 6,483,445. In particular, both claims 40 and 41 depend from independent claim 30 which recites “wherein the viewing surface remains substantially coplanar during movement of the display between the first position and the second position.” Neither claim 10 nor claim 11 of U.S. Pat. No. 6,483,445 contain this limitation and are thus patentably distinct.

35 U.S.C. 102 and 103 rejections

Applicants respectfully traverse these rejections because Castiel does not qualify as prior art. 35 U.S.C. 102 recites:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The present application filed on Nov. 21, 2001 is a continuation of Application Serial No. 09/219,925 (U.S. Pat. No. 6,483,445) filed on Dec. 21, 1998. Castiel, U.S. Pat. No. 6,249,672, issued on Jun. 19, 2001 was filed on Mar. 19, 1999. Castiel is not an application for patent by another filed in the United States before the invention thereof by the applicant.

The rejections of the claims are thus unsupported and must be withdrawn.

Conclusion

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

Intel Corporation

Date: December 02, 2004 /Rita M. Wisor/

Rita M. Wisor
Reg. No. 41,382

Attorney Phone Number: (512) 732-3923

Correspondence Address: Blakely Sokoloff Taylor & Zafman, LLP
12400 Wilshire Blvd
Seventh Floor
Los Angeles, California 90025-1026